

*Intermountain  
Region  
Office of*

*Indian  
Affairs  
and  
American  
Culture  
(IAAC)*



*National Park Service*

**Intermountain Region  
NAGPRA:  
NAGPRA Basics from a Federal  
Agency Perspective**

**Santa Fe, New Mexico**

**May 8, 2012**

# Introduction: IAAC Mission

- **Promotes constructive working relationships** between parks and diverse cultural communities within the region.
- **Assists parks, tribes, communities, partners, and other agencies** implement policies and projects that increase mutual cooperation and support the mission of the National Park Service.

# Introduction:

## IAAC Programs and Functions

- **IMR Tribal Liaison:** Advises IMR-RD and helps parks with tribal consultation.
- **IMR Ethnography/Cultural Anthropology:** Helps IMR parks identify, document and manage ethnographic resources.
- **IMR NAGPRA:** Assists IMR parks with all aspects of NAGPRA implementation.

# Introduction:

## IAAC Technical Assistance

- Parks
- Tribes
- Cultural Resources
- Natural Resources
- Interpretation
- Museum Management
- Long Distance Trails
- International Affairs
- Traditionally Associated Communities
- Other Agencies/NPS Partners
- Workforce Enhancement/Diversity
- Partners

# **Introduction: IAAC Staff**

**Denver, Colorado**

**Christine Landrum, Director**

**Karen Wurzburger, Cultural Anthropologist**

**Grand Teton National Park, Wyoming**

**Christy Baker, Cultural Anthropologist**

# Introduction:

## National NAGPRA vs. Park NAGPRA vs. IMR NAGPRA

### ➤ **WASO National NAGPRA:**

- Administers NAGPRA external to NPS
- Develops regulations
- Grants for tribes and museums
- Staff support to NAGPRA Review Committee
- Training to tribes, museums, and agencies

### ➤ **WASO Park NAGPRA:**

- Oversees NPS' own compliance with NAGPRA
- Technical assistance to NPS
- Guidance and training for NPS

### ➤ **Intermountain Region (IMR) NAGPRA:**

- Assists IMR parks with all aspects of NAGPRA

# Purpose of IMR Portion of Training

- **Review IMR “Best Practices”**

- **Consultation**

- **Access and Transparency**

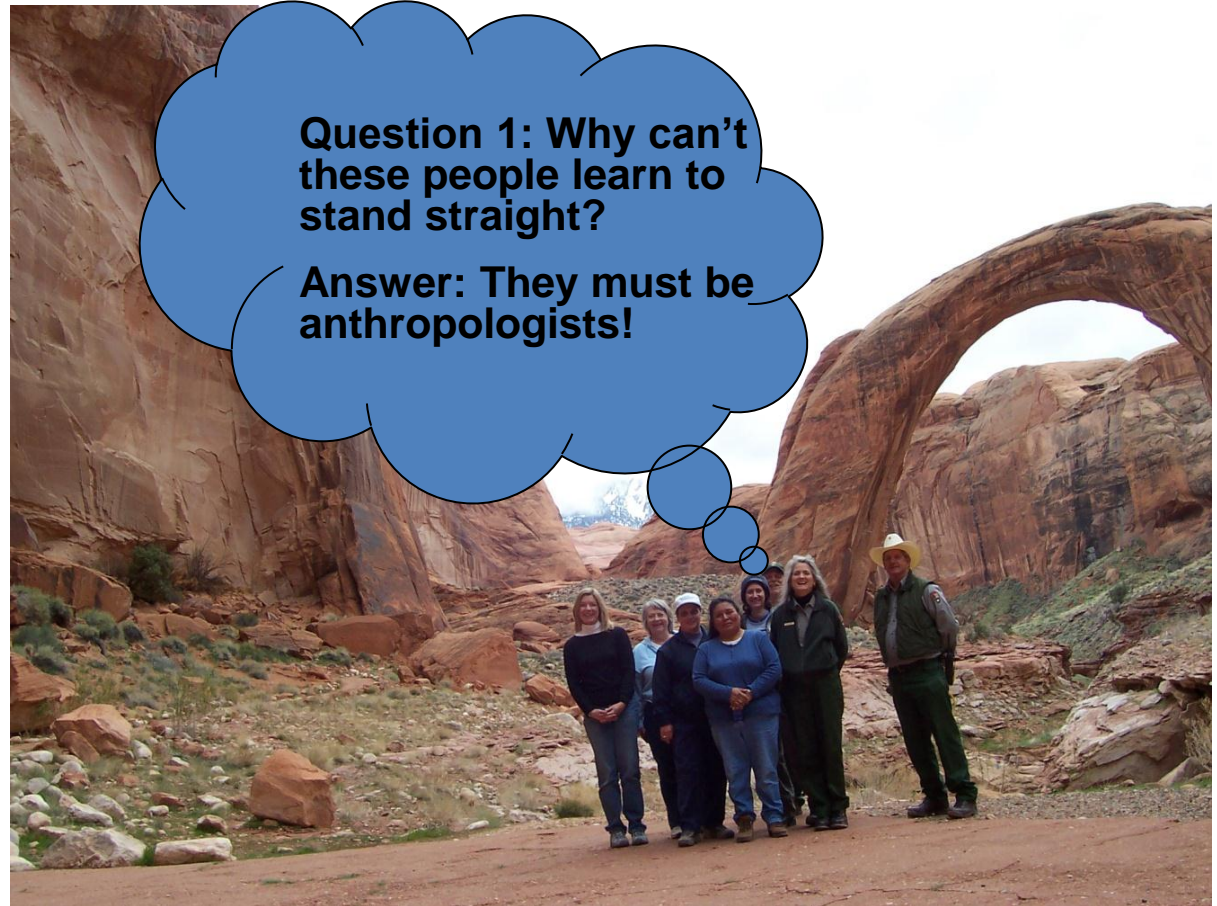
- **Traditional Association vs. Cultural Affiliation**

- **Discuss “Lessons Learned” from distinctly NPS, IMR perspective**

- **Dinosaur National Monument (Inventory)**

- **Little Bighorn (Summary)**

# Questions?





# Tribal Consultation

- Consultation is the ♥ of NAGPRA
- Government-to-Government
- Historic and legal
- Recognition of sovereignty
- Process and relationship
- Shared responsibility
- Transcends any one park or project
- Opportunity to problem-solve up front

# Tribal Consultation



# When is Consultation Required?

## ➤ **Before intentional excavations**

- Describe planned activity
- Discuss treatment, care, handling, analysis, custody, disposition

## ➤ **Immediately after inadvertent discoveries**

- Describe circumstances of discovery
- Evaluate object definitions and cultural relationships
- Discuss custody and disposition

## ➤ **Before the completion of inventories**

- Evaluate object definitions and cultural relationships
- Identify lineal descendants or determine cultural affiliation

## ➤ **Upon the completion of summaries**

- Evaluate object definitions and cultural relationships
- Identify lineal descendants or determine cultural affiliation

## ➤ **To develop Comprehensive Agreements and Plans of Action**

- Describe process
- Discuss custody and disposition
- Address reinterment needs, if any

# Initiating Consultation

- **Compile list of potentially affiliated tribes, pueblos, and nations; identify current leaders and representatives**
  - IAAC tribal contact database
  - Look at consultation history at park, treaties, Indian Claims Commission, etc.
  - Look at ALL lines of evidence under NAGPRA
  - Physical and intellectual access – visits, database
  - Inclusive vs. exclusive
  - Individual and multi-tribe meetings
  - Affiliatable vs. CUI
  - Prepare consultation budget and RSVP log
  - Call, send invitation, e-mail, fax...**REPEAT!**



Contaminated Collections Consultation and Testing (2009)

# Cultural Affiliation vs. Traditional Association

## ➤ Culturally Affiliated

- Demonstrated relationship between contemporary Indian tribes and the earlier group
- Association with the **people**

## ➤ Traditionally Associated

- Park neighbors, traditional residents, former residents
- Interests began before the park's establishment
- Not necessarily Native American
- Association with the **place**
- **NPS SPECIFIC**

## ➤ Not Mutually Exclusive

# Cultural Affiliation vs. Traditional Association

## ➤ Cultural Affiliation

“...a relationship of shared group identity which can reasonably be traced historically or prehistorically between members of a present-day Indian tribe or Native Hawaiian organization and an identifiable earlier group....” [36 CFR 10.2(d)]

## ➤ Traditional Association

“...social/cultural entities such as tribes, communities, and kinship units, as well as park neighbors, traditional residents, and former residents who remain attached to a park area despite having relocated, are “traditionally associated” with a particular park when (1) the entity regards park resources as essential to its development and continued identity as a culturally distinct people; (2) the association has endured for at least two generations (40 years); and (3) the association began prior to establishment of the park.” [2006 NPS Management Policies]

# Cultural Affiliation

## ➤ **Criteria**

- Present day Indian tribe or Native Hawaiian organization
- Identifiable earlier group
- Relationship of shared group identity between those two groups

## ➤ **Standard of Proof**

- Reasonable Basis
- Preponderance of the evidence
- Totality of information
- Not scientific certainty

## ➤ **Lines of Evidence**

- Geographical
- Kinship
- Biological
- Archeological
- Linguistic
- Folklore
- Oral tradition
- Historical evidence
- Other information or expert opinion



# **LESSONS LEARNED: Culturally Unidentifiable (Inventory)**

## **Dinosaur National Monument**



# **LESSONS LEARNED: Cultural Affiliation (Summary)**

## **Little Bighorn Battlefield National Monument**



# Reburial on NPS Lands

## Mesa Verde National Park



➤ Per 2006 NPS Management Policies, Chapter 5, “Reinterment at the same park may be permitted and may include remains that may have been removed from lands now within the park.”

# IMR NAGPRA at a Glance

- IMR units submitted \$3.6 million in NAGPRA emphasis projects for the current 5 year SCC!
- 46 of the 104 NPS units with NAGPRA Inventory items are in IMR (44%)
- 55 of IMR's NPS units have NAGPRA Inventory and/or Summary items (61%)
- 151,324 Summary items were identified through the 1993 NAGPRA Summaries completed by IMR units
- 400 of the 1,499 culturally unidentified NAGPRA human remains in NPS custody are in IMR (about 1/3)
- IMR has most active NAGPRA program in NPS

# Appendix R



United States Department of the Interior

**NATIONAL PARK SERVICE**

IMR Indian Affairs  
& American Culture  
Park NAGPRA



**Guidance for National Park Service Compliance  
with the  
Native American Graves Protection and Repatriation Act  
(NAGPRA)**

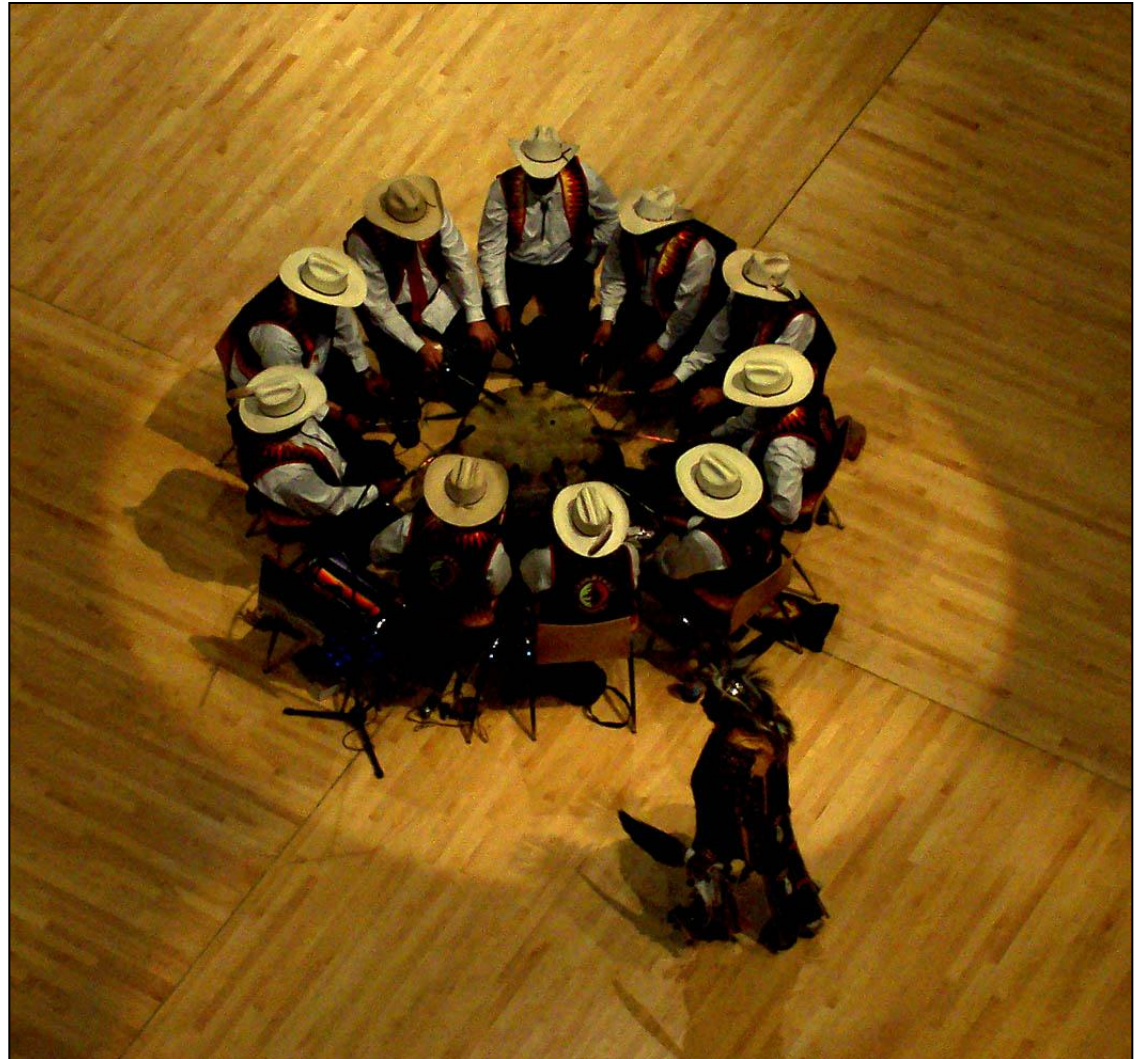
NPS Cultural Resource Management Guideline, Appendix R



**Not everything can be answered by the statute and the regulations or agency guidance! NAGPRA is applied anthropology at work.**



# Questions/Discussion



Opening Night at NMAI (2004)